

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Superintendent
Issue No: 10
Date: ____/04
Page: 1 of 4
Reference: GC 87300, *et seq*

ARTICLE: 1.0 GOVERNING BOARD

1.11 CONFLICT OF INTEREST CODE

SECTION 1.11.1 Conflict of Interest Procedures

Persons in these designated positions shall complete the required economic interest schedules.

Designated Positions

Five Governing Board Members	Superintendent
Associate/Assistant Superintendents	Deputy Superintendent
Director of Accounting	Executive Director of Facilities
Director of Finance	Assistant Director of Purchasing
Personnel Commissioners	Prop U Citizens' Oversight Committee Members
Personnel Commission, Director	

Time and Place in Filing Disclosure Statements

- (a) Members of the governing board shall file the original form with the District which shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.
- (b) All other individuals in designated positions required to submit a statement of financial interest shall file the original with the District.
- (c) An individual in a designated position shall submit an initial statement of financial interest within thirty (30) days after the effective date of this Code.
- (d) A person, who, after the effective date of this Code, is elected, appointed, promoted, or transferred to a designated position under the jurisdiction of the Personnel Commission of the Poway Unified School District shall file the statement within thirty (30) days after such election, appointment, promotion, or transfer.
- (e) Any other person who, after the effective date of this Code is appointed, promoted, or transferred to a designated position shall file a statement. The statement shall be filed not less than ten (10) days before the person assumes the designated position to which he/she is elected, appointed, promoted, or transferred, unless an earlier assumption of the position is required by emergency circumstances certified to by the Poway Unified School District, in which case the Statement shall be filed within thirty (30) days after assumption of the designated position.

Contents of Disclosure Statements

Disclosure statements shall be made on forms prepared or approved by the Code Reviewing Body and supplied by the District, and shall contain the following information:

- (a) Contents of Investment and Real Property Reports:

When an investment or an interest in real property is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged;

SECTION 1.11.1 Conflict of Interest Procedures

- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).
- (5) Disclosure of location or value of principal residence is not required.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (2) A statement whether the aggregate value of income from each source, or in case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
- (3) A description of the consideration, if any, for which the income was received;
- (4) In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
- (5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Contents of Business Entity Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

- (1) The name, address, and a general description of the business activity of the business entity;
- (2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
- (3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Contents of Initial Statement:

The first report filed by an individual following adoption of this Code or upon appointment to a designated position or by a candidate for election to a District office shall disclose any reportable investments and interests in real property. Income shall not be reported.

(e) Contents of Annual Statements:

The annual statement filed by an individual in a designated position shall disclose any reportable investments, interests in real property, and income during the period since the previous statement was filed.

**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE**

Originator: Superintendent
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Page: 1 of 41
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1.11 CONFLICT OF INTEREST CODE

SECTION 1.11.1 Conflict of Interest Procedures

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Designated Positions

Five Governing Board Members	Superintendent
Associate/Assistant Superintendents	Deputy Superintendent
Area Superintendents	Director of Accounting
Executive Director of Facilities	Director of Budget Finance
Personnel Commissioners	Asst. Director of Procurement Purchasing
Personnel Commission, Director	Prop U Citizens' Oversight Committee Members

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- (c) An individual in a designated position shall submit an initial statement of financial interest within thirty (30) days after the effective date of this Code.
- (d) A person, who, after the effective date of this Code, is elected, appointed, promoted, or transferred to a designated position under the jurisdiction of the Personnel Commission of the Poway Unified School District shall file the statement within thirty (30) days after such election, appointment, promotion, or transfer.
- (e) Any other person who, after the effective date of this Code is appointed, promoted, or transferred to a designated position shall file a statement. The statement shall be filed not less than ten (10) days before the person assumes the designated position to which he/she is elected, appointed, promoted, or transferred, unless an earlier assumption of the position is required by emergency circumstances certified to by the Poway Unified School District, in which case the Statement shall be filed within thirty (30) days after assumption of the designated position.

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- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).
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- (2) A statement whether the aggregate value of income from each source, or in case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
- (3) A description of the consideration, if any, for which the income was received;
- (4) In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
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(c) Contents of Business Entity Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

- (1) The name, address, and a general description of the business activity of the business entity;
- (2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
- (3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filers' pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Contents of Initial Statement:

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(e) Contents of Annual Statements:

The annual statement filed by an individual in a designated position shall disclose any reportable investments, interests in real property, and income during the period since the previous statement was filed.

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(f) Contents of Leaving Office Statements:

The leaving office statement filed by an individual in a designated position shall disclose reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.

(g) Acquisition or Disposal During Reporting Period:

If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.

Disqualifications

Individuals in designated positions shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (a) Any business entity in which the individual in a designated position has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the individual in a designated position has a direct or indirect interest worth one thousand (\$1000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to an individual in a designated position within twelve (12) months prior to the time when the decision is made;
- (d) Any business entity in which the individual in a designated position is a director, officer, partner, trustee, employee, or holds any position of management; or
- (e) Any donor of, or any intermediary of agent for a donor of, a gift or gifts aggregating two hundred fifty (\$250) or more in value provided to, received by, or promised to the individual in a designated position within twelve (12) months prior to the time when the decision is made.

However, no individual in a designated position shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of an individual in a designated position who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this code.

Manner of Disqualification

An individual in a designated position required to disqualify himself or herself shall notify his or her supervisor in writing. This notice shall be forwarded to the Appointing Authority, who shall record the individual's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another individual.

In the case of an individual in a designated position who is a member of the Governing Board, notice of disqualification shall be given at the meeting during which consideration of the decision

SECTION 1.11.1 Conflict of Interest Procedures

takes place and shall be made part of the official record of the Board. The member shall then refrain from participating and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

Definition of Terms

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974 (Government Code Section 81000 *et seq.*), the regulations of the Fair Political Practices Commission, and any amendments to the Act or Regulations, shall be incorporated into this Conflict of Interest Code.

Effective Date of Code

This Conflict of Interest Code shall become effective thirty (30) days after approval by the Code Reviewing Body, the Board of Supervisors of San Diego County.

Persons in the following designated positions shall complete the designated economic interest schedules indicated pursuant to the manual and Form 700 as proposed annually by the Fair Political Practices Commission and made available through the Superintendent's office.

Designated Positions**Reportable Economic Interest Schedules**

Five Governing Board Members / Prop U Citizens' Oversight Committee Members	A1-A2-B-C-D-E-F
Superintendent	A2-B-D-E
Deputy Superintendent	A2-B-D-E
Associate Superintendent	A2-B-D-E
Assistant Superintendents	A2-B-D-E
Director of Accounting	A2-B-D-E
Executive Director of Facilities	A2-B-D-E
Director of Finance	A2-B-D-E
Assistant Director of Purchasing	A2-B-D-E
Personnel Commissioners	D-E
Director of Personnel for the Personnel Commission	D-E

Schedules of Reportable Economic Interests

Schedule A1	Investments – Stocks, Bonds, and Other Interests (Ownership Interest is Less Than 10%)
Schedule A2	Investments, Income and Assets of Business Entities/Trusts (Ownership Interest is 10% or Greater)
Schedule B	Interests in Real Property
Schedule C	Income & Business Positions (Income Other Than Loans, Gifts, and Travel Payments
Schedule D	Income – Loans (Received or Outstanding)
Schedule E	Income – Gifts
Schedule F	Income - Gifts - Travel Payments, Advances, and Reimbursements

SECTION 1.11.1 Conflict of Interest Procedures

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- (a) Any business entity in which the individual in a designated position has a direct or indirect investment worth one thousand dollars (\$1,000) or more;
- (b) Any real property in which the individual in a designated position has a direct or indirect interest worth one thousand (\$1000) or more;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to an individual in a designated position within twelve (12) months prior to the time when the decision is made;
- (d) Any business entity in which the individual in a designated position is a director, officer, partner, trustee, employee, or holds any position of management; or
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Deputy Superintendent	A2-B-D-E
Associate Superintendent, BSS	A2-B-D-E
Assistant /School Area Superintendents, LSS	A2-B-D-E
Assistant Superintendent, PSS	A2-B-D-E
Executive Director of Facilities	A2-B-D-E
Director of Accounting	A2-B-D-E
Director of Budget Finance	A2-B-D-E
Assistant Director of Procurement Purchasing	A2-B-D-E
Personnel Commissioners	D-E
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Assistant / School Area Superintendents, LSS	A2-B-D-E
Assistant Superintendent, PSS	A2-B-D-E
Executive Director of Facilities	A2-B-D-E
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